

No. PD-166-20

IN THE COURT OF CRIMINAL APPEALS

FILED
COURT OF CRIMINAL APPEALS
7/24/2020
DEANA WILLIAMSON, CLERK

DANNY WAYNE ALCOSER,
Appellant

v.

THE STATE OF TEXAS,
Appellee

UNOPPOSED MOTION FOR EXTENSION
OF TIME TO FILE APPELLANT'S BRIEF

Appellant Danny Wayne Alcoser files this Unopposed Motion for an Extension of Time to file the Appellant's Brief and shows the Court:

I.

The Amarillo Court of Appeals issued its opinion and judgment on December 20, 2019. That court denied the State's motion for rehearing on January 23, 2020. This Court granted the State's petition for discretionary review on May 6, 2020. The State filed its brief on June 22, 2020. Appellant's brief was due yesterday, July 22, 2020. Appellant requests an additional 7 days to file the appellant's brief, extending the deadline until July 29, 2020. No previous extensions have been requested.

II.

Appellant needs additional time to file the appellant's brief because the COVID-19 pandemic and other trial and appellate matters have prevented counsel from preparing the brief in this case.

Since the State filed its brief, counsel has prepared and filed the following: (1) appellant's brief on June 30, 2020 in the Austin Court in cause no. 03-20-00070-CR, Long v. State; (2) appellant's brief on July 17, 2020 in the Austin Court in cause no. 03-19-00748-CR, Armstrong v. State; (3) post-conviction writ and supporting memorandum on July 20, 2020 in the 54th District Court of McLennan County in cause no. 2015-102-C2A, Ex parte Foster; and (4) affidavit in response to post-conviction writ on July 22, 2020 in the 54th District Court of McLennan County in cause no. 2015-1343-C2A, Ex parte Fuentes.

III.

Counsel for the State has advised that the State does not oppose this request.

ACCORDINGLY, Appellant asks the Court to grant a 7-day extension for the filing of the appellant's brief and such other and further relief to which he may show himself justly entitled.

Respectfully submitted,

/s/ Alan Bennett

E. Alan Bennett

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Certificate of Service

The undersigned hereby certifies that a true and correct copy of this
brief was served electronically on July 23, 2020 to:

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/s/ Alan Bennett

E. Alan Bennett

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Associated Case Party: DannyWayneAlcoser

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Alan Bennett		abennett@slm.law	7/23/2020 1:42:25 PM	SENT

Associated Case Party: State of Texas

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Stacey Soule	24031632	information@spa.texas.gov	7/23/2020 1:42:25 PM	SENT